

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) No. 14-05019-01-CR-SW-BP
v.) January 14, 2016
JOHN MARK REIDLE,) Springfield, Missouri
Defendant.) CRIMINAL

TRANSCRIPT OF SENTENCING

BEFORE THE HONORABLE BETH PHILLIPS
UNITED STATES DISTRICT JUDGE

**Proceedings recorded by electronic stenography
Transcript produced by computer**

APPEARANCES

For Plaintiff: MR. JAMES JOSEPH KELLEHER
Assistant U.S. Attorney
901 St. Louis Street, Suite 500
Springfield, MO 65806-2512

For Defendant: MS. CELESTE K. JOHNS
Attorney at Law
901 St. Louis Street, Suite 107
Springfield, MO 65806

Kathleen M. Wirt, RDR, CRR
United States Court Reporter

400 E. 9th Street * Kansas City, MO 64106

JANUARY 14, 2016

THE COURT: Good morning. We're here on Case
19. Could counsel please enter their appearance

5 MS. KELLEHER: Jim Kelleher on behalf of the United
6 States, Your Honor.

THE COURT: Thank you.

8 MS. JOHNS: Celeste Johns on behalf of the
9 defendant, Your Honor.

10 THE COURT: Thank you. And Ms. Johns, does your
11 client pronounce his last name Reidle?

12 || MS. JOHNS: Yes, ma'am.

13 THE COURT: Reidle. Okay. I wanted to make sure.

14 Mr. Reidle, we're here today, obviously, for a
15 sentencing, and I first have a few questions for you. First of
16 all, I want to explain the steps we're going to be using during
17 today's sentencing.

18 The first step will be to have a conversation
19 regarding how to calculate the sentencing guidelines as they
20 apply to your case. After I calculate the sentencing
21 guidelines, I will then ask the parties to provide any evidence
22 or argument they have regarding what they believe the
23 appropriate sentence is in your case. Before I actually decide
24 the sentence, I will ask that you again stand, and I will give
25 you an opportunity to make a statement, if you wish, before I

1 actually impose the sentence.

2 Now, before I begin those three steps, I have a few
3 questions for you. Have you had the opportunity to review the
4 presentence report?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have you had the opportunity to discuss
7 it with your attorney?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Now, I know that you object to Paragraph
10 52 because you don't believe that you filed any tax returns on
11 that particular year. With that exception, is there anything
12 else in the report that you think is wrong?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Anything that you believe needs to be
15 changed?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Okay. Thank you. You may be seated.

18 I will note for the record that the objection to
19 Paragraph 52 doesn't affect the calculation of the sentencing
20 guidelines and is not something that I will consider in my
21 sentence.

22 With that, Ms. Johns, do you have any other
23 objection to the presentence report?

24 MS. JOHNS: No, ma'am.

25 THE COURT: Thank you. Mr. Kelleher, does the

1 government have any objection to the presentence report?

2 MS. KELLEHER: No, Your Honor.

3 THE COURT: In that case, I'll adopt the presentence
4 report. I find a total offense level of 10, a Criminal History
5 Category of I, and a guideline range of 6 to 12 months in the
6 custody of the Bureau of Prisons.

7 With that calculation, Mr. Kelleher, does the
8 government have any evidence or argument regarding the
9 appropriate sentence in this case?

10 MS. KELLEHER: Very brief argument, Your Honor.

11 It's very unusual for me to argue in favor of a sentence of
12 probation. That almost never happens. In a case like this
13 where the consequences of Mr. Reidle's crime resulted in
14 devastating results, it is even more difficult for me to make
15 this argument.

16 However, in fairness to Mr. Reidle, it was very
17 apparent from the outset of this case that the individual who
18 ultimately ended up with firearms that were purchased by Mr.
19 Reidle took advantage of him, took advantage of the friendship
20 between himself and Mr. Reidle, and took advantage of Mr.
21 Reidle's intellectual capabilities.

22 THE COURT: I apologize. I don't typically
23 interrupt during argument, but I need more evidence -- not
24 necessarily evidence. I need more information from you as to
25 how you have come to that conclusion because that doesn't come

1 through to me in the presentence report. And so can you share
2 with me what it is in the evidence that has caused the
3 government to conclude that Mr. Reidle was taken advantage of
4 by Mr. Cross?

5 MS. KELLEHER: Yes, Your Honor. Obviously, the
6 circumstances of this case were investigated quite thoroughly.
7 The two investigators, one from FBI and one from ATF, both of
8 whom are extraordinarily experienced investigators, Wes
9 Patterson and Jeff Atwood -- I believe Your Honor is at least
10 familiar with Wes Patterson -- met with Mr. Reidle at his home
11 within 24 to 48 hours of the incident in Kansas City. They
12 spoke with Mr. Reidle. I have a great deal of confidence that
13 if Mr. Reidle had been attempting to mislead those two
14 investigators, they would have -- he would have failed,
15 frankly.

16 I was informed of Mr. Reidle's level of functioning,
17 again, very early in the investigation. From what I
18 understand, when Mr. Reidle became aware of the fact that the
19 guns that he purchased were used in the commission of this
20 horrific crime, he immediately checked himself into a
21 psychiatric facility.

22 There are aspects of Mr. Reidle's reaction to this
23 crime that simply could not be faked, certainly not
24 convincingly by a person with an eighth grade education, and
25 certainly not to the point where the investigators in this case

1 would have believed that Mr. Reidle had been bamboozled into
2 making these purchases.

3 In my mind, having limited contact with Mr. Reidle
4 in court, as well as speaking with my investigators who had
5 quite a bit more interaction with him, there's no question in
6 my mind that Mr. Reidle had absolutely no idea that these
7 weapons were going to be used for evil. None. And to be
8 perfectly honest, Your Honor, if I had even the smallest
9 indication that that were otherwise, I would be before the
10 Court asking for the maximum sentence in this case.

11 THE COURT: Well, let me ask you this, then. To me,
12 there's an argument to be made that we have these laws in place
13 to prohibit individuals like Mr. Cross from getting firearms,
14 and if you knowingly become a straw purchaser, you accept the
15 possibility that the person is taking advantage of you, that
16 the person is lying to you, and that the person is going to use
17 these to commit a horrible crime.

18 And so what's the government's response to the fact
19 that that's the whole reason we have straw purchaser laws?

20 MS. KELLEHER: And certainly I understand that, Your
21 Honor. And, again, there have been occasions where I have
22 been -- I have absolutely no problem recommending lengthy
23 sentences in these types of cases.

24 The difference in this case is that Mr. Cross took
25 Mr. Reidle to a Walmart. He told him that he would like to

1 purchase a firearm for, I believe his nephew or a family member
2 for his birthday and that, unfortunately, he didn't have
3 identification on his person, but, if Mr. Reidle would make the
4 purchase, he would basically pay him back.

5 From what I gather from the presentence report,
6 they'd been friends for a long time. I don't believe Mr.
7 Reidle was aware of the fact that Mr. Cross was a convicted
8 felon. Quite frankly, there's no indication anywhere that Mr.
9 Reidle believed that Mr. Cross wanted to do anything other --
10 anything other than give this gun to his family member as a
11 birthday present.

12 THE COURT: Well, I'm sorry to interrupt you again,
13 but they know each other from being acquainted from membership
14 in the KKK.

15 MS. KELLEHER: And, again, it's not spelled out in
16 the presentence report, but the investigators went into that
17 part of Mr. Reidle's life in great detail. From what I can
18 gather, Mr. Reidle was a part of that organization simply
19 because he had no friends. He looked for friends wherever he
20 could. I think the presentence report does indicate that his
21 involvement with that organization was restricted to placing
22 grave markers on the graves of confederate soldiers.

23 Again, Your Honor, having prosecuted white
24 supremacists in the past, Mr. Reidle is not the type of
25 individual I believe to have deeply held white supremacist

1 beliefs. There's simply no evidence of that.

2 I've done a fair amount of prosecution of
3 individuals involved in the white supremacist movement. Mr.
4 Reidle does not fit any of the characteristics that I've seen
5 in those other investigations. There's not the degree of
6 hatred, there's no evidence that he participated in any
7 marches, there's no indication that he really did the types of
8 things that would indicate that he is a hard-core member of the
9 white supremacist movement.

10 And, again, Your Honor, if that were the case, I
11 would have moved for detention at the earliest possible --
12 well, I would have filed a complaint and moved for detention,
13 and I would have urged the Court to keep him in custody until
14 this time. And, again, Your Honor, if I believed that he were
15 involved in this organization in any meaningful way, I wouldn't
16 be suggesting a sentence of probation.

17 And, again, there's -- there, frankly, isn't enough
18 information in the presentence report to really give Your Honor
19 the amount of information that, perhaps, you believe that is
20 necessary. I can -- I can get in contact with the case agents,
21 who might be able to give you a better idea of their thoughts
22 with regard to Mr. Reidle's involvement in this.

23 But, again, I wouldn't be making the recommendations
24 that I'm making unless, one, I was satisfied that Mr. Reidle
25 had absolutely no idea of the danger that Mr. Cross presented

1 to society, that he believed anything other than this was a
2 birthday present, that he does suffer from intellectual
3 deficits, and that when he found out what transpired as a
4 result of that purchase, that he didn't express profound and
5 immediate regret to the point where he voluntarily checked
6 himself into a mental institution.

7 THE COURT: Let me ask you one quick question. I
8 don't want any -- I don't want too much emphasis placed on
9 this, but -- I'm not faulting the presentence report in any
10 way, shape, or form. I think the nature of the evidence you're
11 relying on in order to make this recommendation is one that's
12 difficult to maybe objectively present in the limited form of a
13 presentence report. And so what I'm trying to do is get --
14 grasp what it is about this case that has caused the government
15 to make this recommendation.

16 And so I am interested, are the case agents aware of
17 the nature of your recommendation?

18 MS. KELLEHER: They are, Your Honor.

19 THE COURT: And do they support that recommendation?
20 Not necessarily?

21 MR. KELLEHER: I'm uncomfortable putting what I
22 believe -- what they thought should have happened on the record
23 because it --

24 THE COURT: I don't say that because I put a lot of
25 emphasis on what case agents say. Trust me. I've told case

1 agents no more times than I care to recall.

2 I do think that we're relying so much on their
3 interaction with him to come to the conclusions you've drawn.
4 That's the only reason I'm interested in the case agents'
5 characterization of not only Mr. Reidle, but also this
6 particular crime. I'm not really interested in whether or not
7 they support your recommendation. I'm only interested in
8 whether or not their flavor of the circumstances are the same
9 as what you've provided.

10 MS. KELLEHER: I will say this with regard to the
11 recommendations of the case agents and their feelings. If
12 anything --

13 THE COURT: I don't want to put you in a bad spot.
14 I probably shouldn't have asked the question, so let's just
15 take that question off the table. Again, my reason for asking
16 the question is not a sincere interest in what their
17 recommendation is, it's more of a sincere interest in how they
18 view this case because we are relying so much on them.

19 Why don't I hear from Ms. Johns. Ms. Johns, the
20 benefit -- well, I guess my cross-examine of Mr. Kelleher has
21 inured to your benefit because I don't have as many questions,
22 and I hope I've given you a sense of the concerns I have with
23 this case and some of the factors that weigh on my mind when
24 deciding what the appropriate sentence is.

25 So by any means -- by all means, make any argument

1 you wish, but to the extent that you can provide me information
2 that addresses the issues that I've raised, I do think that
3 would be helpful.

4 MS. JOHNS: First I would go back to -- and I don't
5 know if the Court wants me to completely address 3553(a)
6 factors. I can at this time, or just your issues?

7 THE COURT: No, I'd like for you to make whatever
8 argument that you think is appropriate or necessary.

9 MS. JOHNS: Thank you. In terms of -- and I think
10 it goes hand in hand with some of the issues that Your Honor
11 raised.

12 The nature and circumstances of the offense. First
13 of all, the other individual whose name is mentioned there in
14 Paragraph 5, first and foremost on Page 3 of the final PSR, I
15 have a little bit probably more personal knowledge of the
16 background and circumstances, given that I am from that same
17 hometown, Your Honor.

18 And I would note that in talking to folks in that
19 community, Mr. Frazier Glenn Cross, who is noted in
20 Paragraph 5, I had people tell me eight different names he was
21 known by: Frazier Glenn Miller, Glenn Miller, Frazier Miller,
22 Frazier Cross. The combinations just went on and on and on.

23 And I raise that for the purpose, Your Honor, of
24 going back to whether somebody in the community had -- or the
25 entire community or most of the community had notice that this

1 person was a prohibited individual in terms of the purchasing
2 of guns. The individual moved to that community after those
3 circumstances had occurred is my understanding. It did not
4 occur while he was a member of that community so that it would
5 become -- it would have become widely known that he was a
6 prohibited individual. Those circumstances, to my
7 understanding, happened more than 15 to 20 years ago and, thus,
8 were possibly not as readily researchable if somebody had chose
9 to, let's say, you know, research every person they come in
10 contact with on the internet.

11 THE COURT: I don't dispute that he didn't know.
12 I'm accepting that to be true. I'm not even suggesting that he
13 had a responsibility to find out. My point is we have these
14 laws to prevent this particular situation, and we have these
15 laws so that you are liable for that person that you are the
16 straw purchaser for.

17 So I will grant Mr. Reidle the assumption that he
18 had no idea who Mr. Cross was or what he was going to do with
19 this gun.

20 MS. JOHNS: Thank you. I would then note another
21 factor that I would raise. This would be under the history and
22 characteristics of this defendant, and this is kind of
23 difficult for me to talk about because, I'm just going to be
24 frank, I don't want to hurt Mr. Reidle's feelings.

25 I was appointed almost immediately on this case by

1 the Court to represent him. He has been on pretrial release
2 for, I believe, more than 20 months. He has had absolutely no
3 violations that I have been made aware of, and I believe that's
4 also stated there on Page 3, Paragraph 4.

5 Twenty months, as Your Honor knows, is an extensive
6 period of time for someone to be on pretrial release, and
7 oftentimes defendants show their true colors when they are
8 allowed the mercy to be out on bond under conditions of
9 pretrial release. He has had absolutely no violations.

10 His interactions with me have been nothing but
11 respectful, professional, prompt. And so when I make this
12 statement, it pains me to do so. But I do concur with Mr.
13 Kelleher that my client was targeted because of possibly his
14 lack of intellectual ability, his true -- his too trusting of a
15 nature, his need for friends.

16 And if we look at his history there on Paragraph 47
17 of the final PSR on page 9, it delineates his educational,
18 vocational, and special skills. And, again, it was impossible
19 for myself and the probation office to get any official records
20 because, frankly, in trying to reach the school district and
21 obtain these, they were, I think, adverse to doing so because
22 what I was told -- Mr. Reidle's mother is in the courtroom and
23 his long-time companion. And what Mr. Reidle conveyed to me
24 is, is that he eventually dropped out in the middle of eighth
25 grade because the school encouraged him to. And not because of

1 any, you know, behavior problems, but because of their failure
2 back then. I think the system is much different now in terms
3 of having individualized educational programs and so forth, IEP
4 programs, to help him and assist him with his special education
5 needs.

6 And so from that and speaking to those individuals,
7 I believe we're really talking about fruitful education through
8 the third grade in terms of that. And I believe that the other
9 individual involved was very cunning and clever and basically
10 took advantage of that and took advantage of Mr. Reidle's
11 characteristics in that regard.

12 To that extent, do I believe that he lacked
13 capacity? No, I'm not making that argument to the Court, but I
14 think there's different degrees in terms of that, beyond legal
15 capacity, that the Court could consider in understanding the
16 nature and circumstances of this offense.

17 I would also concur with, and did speak with the
18 case agents myself at the permission of Mr. Kelleher early on
19 in terms of, frankly, making the decision in terms of my
20 client's emotional state because, as Mr. Kelleher said, he did
21 check himself into a mental health facility immediately upon
22 notification of these events because he was in great distress
23 and, in terms, overwhelmed with grief. And to this day, to
24 this day I think he would tell you in a moment he still feels
25 that way.

1 In terms of being truthful, immediately -- I was
2 told immediately, truthful. Not a thing he has told the case
3 agents we have disputed, other than, and this was noted
4 correctly in the PSR, that he withdrew from the KKK
5 organization in 2003. So that's quite a bit of time separating
6 that. Did he still know this individual? He did. They lived
7 in very close proximity to each other in that same small
8 community area of Aurora and Marionville, Missouri.

9 And in terms of his immediate truthfulness to the
10 case agents, his immediate statements giving them every detail
11 he could possibly think of in regards to this purchase, this
12 was not a transfer of a firearm in a back alley or on
13 somebody's private property. This was in the full view, as
14 everyone knows, at a Walmart store with a ton of cameras. All
15 of this was on camera. This wasn't something that Mr. Reidle
16 was trying to hide that he did, and didn't possibly understand
17 the depth of how wrong it was, as he does today.

18 But, again, I think it's important to note in
19 looking at that evidence that he wasn't trying to hide these
20 circumstances. They happened at the spur of the moment. The
21 other individual actually started making the purchase and then
22 proceeded to portray that he had simply just, oh, my gosh,
23 forgotten his identification. And so in a matter of minutes,
24 this incident occurred.

25 And I don't say that to minimize the circumstances,

1 but to highlight such that it, I think, portrays a lack of
2 venal motive here on the part of my client, lack of intent in
3 terms of any further consequences, but did not give it enough
4 forethought. And I believe that the other individual counted
5 on that, counted on those circumstances that I have just
6 outlined in terms of the characteristics of Mr. Reidle and the
7 circumstances.

8 In terms of other 3553(a) factors, I would note for
9 the Court, again, the offense was out in the open under camera
10 surveillance of a large store. Also, like we said, as pointed
11 out immediately -- and this is in the PSR, as Your Honor
12 knows -- he has continued to be very distraught. I think it's
13 also outlined in Paragraphs 42 through 44 of the final PSR that
14 Mr. Reidle has continued to seek mental health assistance. He
15 is under the care of psychologist. He has a caseworker, has
16 been assigned a caseworker by the Missouri Division of Social
17 Services that periodically picks him up, takes him to his
18 counseling appointments, and so forth.

19 He also has had physical conditions manifested due
20 to this. I would -- and I know my client in talking with him
21 does not want me to necessarily minimize his taking
22 responsibility at all. He has from day one taken full
23 responsibility. He has not tried to detract from that one bit.
24 Not in making our plea agreement with the government, not in
25 accepting the plea agreement at his change of plea hearing, and

1 I don't think you will hear him do that today.

2 I think he understands that there's also a need for
3 proper knowledge of laws and boundaries in society and trusting
4 the right folks and getting that information when need be.
5 After these circumstances, Mr. Reidle has -- in terms of the
6 folks that he interacts with, has tightened that circle very,
7 very tight.

8 His mistrust of just others is very heightened,
9 which I don't blame him. Basically, the three people that he
10 now trusts in the entire world are sitting here in the
11 courtroom, Your Honor: his long-time companion and significant
12 other, who is noted in the PSR who lives in his home; Miss
13 Lillian Lawson, his mother; and one of his siblings is here
14 today. That is, I think, the amount of trust that he has at
15 this point in others.

16 I would also note, though, that in terms of in his
17 history, he is a Criminal History Category I. There were items
18 in the PSR for more than, I believe, twenty years ago. His
19 recent history in terms of criminal history is none before
20 this.

21 Again, I do believe the more than 20 months that he
22 has been on pretrial release -- which I would note is not our
23 doing, Your Honor. I think you can see, we did ask for a
24 motion for continuance at one point, but that was because we
25 were asked to in order to facilitate the fact that Mr. Reidle

1 also volunteered and was placed on the witness list for the
2 State of Kansas proceedings against Mr. Cross, or Mr. Miller,
3 however you want to reference him. So that case took some time
4 to resolve.

5 At each juncture that that case has been in the
6 media, every single time, Mr. Reidle receives nasty,
7 threatening phone calls from all over the country. We've given
8 the phone numbers to the government from basically, mainly
9 folks in support of the other person that's noted in the PSR,
10 and they were angry with Mr. Reidle for -- people he didn't
11 know at all, never met, never heard of, anything, just that he
12 was on the witness list, willing to testify against him. And
13 he has wanted to do that from day one. Prior to any plea
14 agreement, his name was on that witness list.

15 There is not a 5K1 motion by the government, but I
16 believe, as Your Honor knows, the Eighth Circuit has ruled in
17 various cases, including United States v. Reynolds that a
18 defendant's cooperation with the government can be taken into
19 consideration as a 3553(a) factor in terms of their history and
20 characteristics, even when a 5K1.1 motion is absent by the
21 government. So we would also ask the Court to note that when
22 considering what would constitute a reasonable sentence for
23 this defendant.

24 We also believe that his good behavior while on
25 pretrial release is a huge factor in terms of a sentence no

1 greater than necessary to protect the public from further
2 crimes. We believe that a period of probation with whatever
3 restrictions this Court would impose, home confinement,
4 whatever would go along with that status, would be sufficient
5 due to these considerations.

6 The client -- or my client, as noted in the PSR, is
7 currently under both mental health and physical medical care.
8 We would also note that it would be better served if he could
9 continue with those same physicians and on the path he is now
10 and that he has done so well on for the past 20 months in that
11 regard.

12 I believe, as my client will say in a moment,
13 that -- he's also instructed me not to ask the Court for any
14 specific length of probation. As he will state to the Court in
15 a moment, I think he's willing to accept any punishment that
16 this Court has and that, although, with that said, the PSR
17 Paragraphs 56 and 57 describe probation as a possible sentence
18 due to the defendant's guideline range and guideline zone, and,
19 therefore, we would respectfully request from the Court that
20 sentence of probation. Thank you, Your Honor.

21 THE COURT: Mr. Reidle, could you please stand?

22 (So done.)

23 THE COURT: I have now heard argument from both of
24 the attorneys regarding what they believe the appropriate
25 sentence is. Before I actually decide the sentence, is there

1 anything that you wish to say?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. You may proceed.

4 THE DEFENDANT: To Your Honor and the Court. I want
5 you to know the feelings of sorrow and regret that I feel. I
6 know what I did was wrong, and I'm sorry for all that has
7 happened. I wish that things could be undone, but I know it's
8 not possible. I know that I should not expect forgiveness from
9 any person or their families affected, but I am truly sorry.
10 All I can do is tell you that I will always be sorry from the
11 bottom of my heart and accept the judgment of this Court in a
12 respectful, right attitude. Thank you for the Court's time,
13 Your Honor.

14 THE COURT: Well, sir, when I decide the appropriate
15 sentence, I consider the sentencing guidelines, but I also
16 consider a number of other factors under federal sentencing
17 law, many of which your attorney has mentioned. Such as your
18 history and characteristics and the nature and circumstances of
19 this offense, the need to promote respect for the law, the need
20 to protect the community, the need to deter others from
21 committing offenses, among a number of other factors, all with
22 a goal of imposing a sentence that I believe is sufficient, but
23 not greater than necessary, to meet the goals of the federal
24 sentencing statute.

25 And as I hope you've gathered through the questions

1 I've had of the attorneys, this crime is very troubling. I do
2 believe that this is one of the reasons that we have this law
3 in place. I haven't seen the form in a while, but in other
4 trials, I have seen the form. I do believe it very clearly
5 tells individuals that failure to answer the form in a truthful
6 manner will subject you to penalties.

7 However, I also think that it's important to fashion
8 a sentence that is focused on the specifics of this case, of
9 your particular case, and, I guess, not let the emotion
10 associated with the horrendous events that occurred afterwards
11 have an undue impact on the sentence in this case. And so
12 that's what I'm really struggling with as I decide the
13 appropriate sentence.

14 However, through the information in the presentence
15 report and through the information that's been provided to me
16 by the government and by your attorney, I have come to the
17 conclusion that a sentence at the bottom end of the guidelines
18 is appropriate. And I'm kind of surprised that I'm coming to
19 this conclusion because that was not my intent when I first
20 read the presentence report, but I am convinced that your
21 particular history and characteristics did make you a potential
22 target of Mr. Cross and that he did take advantage of the
23 mental and educational limitations that you have exhibited in
24 order to convince you to fill the form out incorrectly and
25 deceitfully.

1 I also find it of importance and relevance that you
2 were willing to cooperate in the ultimate prosecution, and I do
3 think that you should be given credit for that.

4 And so I am going to impose a sentence within the
5 guidelines, but at the low end of the guidelines, and sentence
6 you to probation for a period of five years. There are going
7 to be a number of conditions of supervised release -- of
8 probation, excuse me. One is -- by and large, they were
9 contained on Page 11, Paragraph 63, of the presentence report.

10 One is that you continue to successfully participate
11 in the mental health counseling program as approved by the
12 probation office.

13 Two, that you submit your person, property, house,
14 residence, office, vehicle, papers, computer, and other
15 electronic communications to a reasonable search at a
16 reasonable time, based upon a reasonable suspicion that you
17 have evidence of contraband or have violated the terms of your
18 supervised -- or of your probation.

19 There's a provision that you not consume or possess
20 alcoholic beverages. I am not going to impose that because I
21 don't see in the presentence report that you have any problems
22 with consumption of alcohol, and I don't see that it -- any
23 issues associated with the consumption of alcohol related to
24 this particular offense.

25 I am going to, however, impose a special condition

1 that you be subject to home confinement for a period of 180
2 days, and I do believe that the guidelines require some type of
3 home confinement.

4 One final reason that I am imposing the sentence,
5 Mr. Reidle, I think it's important that you understand this, is
6 that by imposing probation, the -- I am ensuring that the full
7 range of punishment is still available to me in the event that
8 you violate the terms of your probation.

9 And I want to make it clear to you that I believe
10 that I'm giving you a break, and this is the only break that
11 you're going to receive. I consider under all circumstances
12 being a straw purchaser to be a very, very serious -- very
13 serious crime, and the outcome in this particular case could
14 not create a more textbook example as to why it's a serious
15 crime.

16 And so, while I've given you a break, this is the
17 only break you're going to be given. And if there are any
18 violations of your probation, I want you to completely
19 understand that really the only option on the table is going to
20 be revoking your probation and sentencing you to the term of
21 imprisonment that I originally intended to today.

22 Do you have any questions regarding what is expected
23 of you while you're on probation?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Mr. Kelleher, is there any additional

1 information that the judgment should contain?

2 MS. KELLEHER: Not that I'm aware of, Your Honor.

3 THE COURT: Ms. Johns, do you have any specific
4 requests?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Mr. Reidle, you entered into a plea
7 agreement with the government where you gave up your right to
8 challenge this sentence, except under very limited
9 circumstances. If you choose to exercise your right under
10 those limited circumstances, you may do so, but you have to
11 file a notice of appeal within 14 days of the date of the
12 judgment in this case. If you do not file a notice of appeal
13 within 14 days, then you will forever lose your right to appeal
14 this sentence. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Mr. Kelleher, anything further on the
17 part of the government?

18 MS. KELLEHER: No, Your Honor.

19 THE COURT: Ms. Johns, anything on behalf of Mr.
20 Reidle?

21 MS. JOHNS: No, Your Honor.

22 (The Court conferred with court staff off the
23 record.)

24 THE COURT: I did forget to put two additional
25 pieces of information on the record.

1 Sir, I am going to waive a fine because I don't
2 believe you have the means to waive pay a fine. I'm required
3 by law to impose a special assessment in the amount of \$100,
4 and payment of that special assessment will be one of the
5 conditions of your probation.

6 Anything else that I may have forgotten?

7 MS. KELLEHER: No, Your Honor.

8 MS. JOHNS: No, Your Honor.

9 THE COURT: Then that will conclude this proceeding.

10 (Hearing adjourned.)

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13 CERTIFICATE

14 I certify that the foregoing is a correct transcript
15 from the record of proceedings in the above-entitled matter.

16

17

18 January 27, 2016

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/s/ _____
Kathleen M. Wirt, RDR, CRR
U.S. Court Reporter

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